UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/S-5/SR.3
23 November 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 2000, at 10 a.m.

Chairperson: Mr. SIMKHADA (Nepal)

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GE.00-15615 (E)

The meeting was called to order at 10.10 a.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2)

1. The CHAIRPERSON, informing the Commission of the Secretary-General's remarks at the conclusion of the Sharm el-Sheikh summit, said that the Secretary-General had expressed his thanks that the leaders had renewed their commitment to resolve their differences by peaceful means and also said that: "Silencing the guns, ending the violence, is a real achievement. But language can be violence too and I also appeal to the leadership on both sides and to the wider international community to weigh their words carefully. For words can inflame or soothe, and everyone needs a restoration of calm and quiet so as to create the best possible atmosphere for a resumption of peace talks."

2. Mr. BENJELLOUN-TOUMI (Morocco) said that the disproportionate use of force by Israel, the Occupying Power, against the Palestinian civilian population, which had already resulted in the deaths of more than 100 people and injured thousands and had been condemned by the Security Council in its resolution 1322 (2000), was totally unacceptable and fully justified the convening of a special session of the Commission on Human Rights. The latest outbreak of violence had been provoked by Mr. Sharon's premeditated visit to the Al-Aqsa mosque on 28 September 2000.

3. The terrible pictures broadcast by the media on a daily basis of Palestinian children killed by the Israeli occupying forces were unbearable. Nothing could justify such actions. The Kingdom of Morocco shared the grief of the families of all the innocent victims.

4. In order to prevent such a tragedy from recurring, it was necessary to begin by clearly establishing responsibility by means of an appropriate mechanism and then to condemn Israel's policy of despoilment and collective punishment, which was one of the primary causes of the current situation. It should be recalled once again that a lasting and global peace could be established in the region only if the principles adopted at the Madrid Conference, particularly the principle of "land for peace", and in Security Council resolutions 242 (1967) and 338 (1975) were respected.

5. The Kingdom of Morocco, which was faithful to its principles, had expressed itself firmly and clearly since the beginning of the crisis. Speaking as the Chairman of the Al Quds Committee, his Majesty, King Mohammed VI, had strongly condemned the massacre of innocent children gathered to denounce an act of provocation that had undermined their beliefs and gone against their sentiments and those of all Muslims.

6. The Chairman of the Al Quds Committee had appealed to all the parties concerned, telling them that present-day generations had grown up with hope in the future and were longing for a new era based on coexistence, harmony and joint action to build a new reality guaranteeing

security and stability. That ambition would not be achieved by resorting to the massacre of unarmed civilians, but by demonstrating political courage, thereby allowing the Palestinians to recover their rights, including the right to establish an independent State with Al Quds Al Sharif as its capital.

7. The Moroccans' solidarity with their Palestinian brothers had been demonstrated in a number of ways. The Kingdom of Morocco had provided humanitarian and emergency medical assistance to the Palestinian Authority and the Mohammed V Foundation for Solidarity had given a gift of $1 million to Morocco's Palestinian brothers. In addition, hundreds of thousands of Moroccans had marched in the streets on 8 October 2000 to condemn the acts of violence and support the Palestinians' demands.

8. The Kingdom of Morocco was convinced that passion, hatred and violence should give way to dialogue, tolerance and mutual respect and called on all the parties involved in the peace process to make every effort to realize the legitimate and peaceful aspirations of the peoples of the region. In that connection, it welcomed the efforts of the United Nations Secretary-General, who had helped facilitate the organization of the summit at Sharm el-Sheikh. Morocco was hopeful that the summit would pave the way for a gradual return to calm followed by the resumption of the peace process in the Middle East. For its part, the Commission on Human Rights should help put an end to the violence against the Palestinian people and work for the resumption of an essential dialogue.

9. Mr. IBRAHIM (Sudan) said that the situation in the occupied and autonomous Palestinian territories would never have degenerated to such an extent if Ariel Sharon had not undertaken his irresponsible visit to the Al-Aqsa mosque on 28 September 2000. The fierce repression of the Palestinian civilian population which was protesting against that visit was a flagrant violation of the rules of international law and of the provisions of the Fourth Geneva Convention of 1949. The use of missiles, planes and tanks against unarmed civilians was a new act of genocide, to be added to the long list of crimes committed by Israel in Deir Yassin, Sabra and Shatila and elsewhere.

10. The international community's attention should be drawn to the grave consequences of the repeated attacks on the integrity of the Al-Aqsa mosque and to the use of that mosque as a political card in Israeli partisan struggles for electoral purposes. Such actions could strike a deadly blow to the peace process.

11. Sudan took note with satisfaction of Security Council resolution 1322 (2000) and urged Israel to comply with its provisions, in particular by cooperating with the commission of inquiry that the Council was planning to send to the region.

12. The fact that the majority of the member States of the Commission had agreed to the proposal to hold a special session was proof of the international community's deep concern about the tragic events taking place in the region, the unjustified and disproportionate violence against the defenceless Palestinian civilian population and the closure of the territories, thus preventing the transport of vital medical supplies to the injured.

13. It was essential for the Commission to adopt a resolution that aimed to put an end to the violations against the Palestinian people. The Israeli provocations and the disproportionate use of military force, in particular, should be condemned, and the necessary measures should be taken to provide the civilian population with international protection.

14. The Israeli Government had an obligation to honour the obligations it had assumed, for example, under the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Israel should also comply with United Nations resolutions on the city of Jerusalem and the protection of its historical sites.

15. Sudan appealed to the international community to provide the Palestinian people with the protection and humanitarian assistance it required. An international commission of inquiry should be sent immediately to the region to shed light on the massacres committed and to identify the perpetrators, as well as to suggest steps to prevent a repetition of the events of the previous days. The High Commissioner for Human Rights should also visit the region and report to the Commission at its fifty-seventh session. Lastly, Sudan urged the High Contracting Parties to the Fourth Geneva Convention to meet as soon as possible to examine the situation in the region and bring Israel into compliance with the provisions of the Convention.

16. Mr. BETANCOURT RUALES (Ecuador) said that, in order to put an end to the violence and instability in the occupied territories and to resolve the problems associated with respect for human rights and humanitarian law once and for all, it was essential to establish a final statute on peace and cooperation among all the peoples of the region. In that connection, Ecuador supported the statement by the Rio Group in its 6 October communiqué that what had been done as a result of so much effort should not be undone and that it was essential to revive the peace process.

17. Ecuador supported the implementation of the resolutions in which the General Assembly and the Security Council set out the basic principles that should prevail in the establishment of a just and lasting peace in Israel, the West Bank and Gaza. It also supported the Oslo process which had resulted in the Wye River and Sharm el-Sheikh agreements, as well as the efforts currently being made by several Governments, with the active participation of the United Nations Secretary-General, to bring about an immediate end to the hostilities.

18. Ecuador had been in favour of convening the fifth special session of the Commission because it believed that the Commission had an obligation to help put an end to the grave violations of human rights which were being committed in the occupied territories and which had been condemned by the Security Council in its resolution 1322 (2000). In that resolution, the Security Council had classified the visit by a political leader to Al-Haram Al-Sharif in Jerusalem as a provocation which was, in the eyes of the majority of international observers, at the root of the current violence.

19. In order to stop the violence and the violations of human rights, particularly of the right to life, and to ensure that a climate of mutual respect among the peoples of the region prevailed, a mechanism should be established to carry out an inquiry into the events, to verify that human rights were respected and to indicate to the international community those responsible for their violation. The Security Council had stressed the importance of establishing a mechanism for

carrying out an inquiry and that issue had also been considered at the Sharm el-Sheikh summit. All such actions should be coordinated to avoid any duplication and ensure that the individual rights of all the inhabitants in the region were respected.

20. Peace and cooperation among the peoples of the region would be possible only if reason and tolerance prevailed and if basic human rights were respected. Those rights were not negotiable.

21. Ecuador would cooperate with the other members of the Commission to take the steps required to bring about an effective solution to the human rights situation in the occupied territories.

22. Mr. BEN SALEM (Tunisia) said that the picture broadcast by the media of a child mortally wounded by Israeli gunfire while attempting to shelter in his father's arms had highlighted the extent of Israel's blatant violations of the human rights of the Palestinian people, particularly the right to self-determination. The Israeli authorities, flying in the face of many resolutions of the Security Council, the General Assembly and the Commission on Human Rights urging them to put an end to the violations, continued to defy the international community and to violate the provisions of the Fourth Geneva Convention of 1949.

23. It was no longer just a matter of collective sanctions, the demolition of houses, the desecration of sacred places and the confiscation of possessions, but of the existence of an entire people defending its rights and its land. Under such circumstances, the Commission, which embodied the universal conscience in the field of human rights, should fully assume its responsibilities by setting up a commission of inquiry with a view to establishing the facts and determining accountability for the crimes that had been and were still being committed. In the light of their responsibilities, the High Commissioner for Human Rights and the competent Special Rapporteurs should, for their part, visit the occupied Palestinian territories immediately to examine, in accordance with their respective mandates, the situation on the ground and to report to the Commission at its next session.

24. Tunisia, which had always stood together with the Palestinian people and constantly supported the action taken with a view to establishing a comprehensive, just and lasting peace in the region, stressed that there could be no settlement until the Palestinians were able to exercise all their legitimate rights, in particular the right to establish their own State with Jerusalem as its capital, and until the refugees had exercised their right of return.

25. Mr. SEYDOU (Niger) associated himself with the statement made the previous day by the Observer for Malaysia on behalf of the Organization of the Islamic Conference, as well as the statement to be made by the representative of Nigeria on behalf of the African Group.

26. The whole world had placed much hope in the peace process and the meetings between Chairman Arafat and successive Israeli Prime Ministers. It had believed that peace was at last within reach and that the principles of brotherhood taught by several prophets who had travelled through that blessed part of the world had prevailed over professions of faith by fanatics in favour of division.

27. Today, however, hatred and violence had returned and the blood of young girls and boys struck down by the bullets of assassins was running in Palestine. Niger expressed its condolences to the families in mourning, condemned those heinous acts and requested that an international commission of inquiry should be set up to investigate the events.

28. Niger also urged Israel to put an end to its policy of occupation in the Arab territories, to stop the harassment and all manner of violent acts against the Palestinian people, to respect the Geneva Conventions of 1949 and to implement Security Council resolutions 242 (1967) and 338 (1973).

29. Mr. AL-THANI (Qatar) said that the Israeli authorities were engaged in fierce repression of the Palestinian people because the Palestinians had reacted to the incessant provocations towards them, the latest of which had been the visit by Ariel Sharon to the Al-Aqsa mosque. That irresponsible act was an affront to all Muslims, wherever they were.

30. The delegation of Qatar strongly condemned the barbaric acts of aggression which had been carried out by the Israeli army in Jerusalem and in all the occupied palestinian territories, had led to the deaths of dozens of people and had injured thousands more, constituted a blatant violation of the rules of humanitarian law as well as of international customs and instruments and placed the peace process in grave jeopardy.

31. Qatar was deeply concerned about Israel's persistent refusal to comply with the resolutions of the Security Council, the General Assembly and the Commission obliging it to bring an end to its continuing violations of human rights. The bombing of the headquarters of the Palestinian Authority and of the premises of the Palestinian security forces was one example of such violations.

32. His delegation appealed to all members of the Commission to assume their responsibilities with regard to the atrocities being committed against the Palestinian people and not to view them from the point of view of their own interests, but in terms of humanitarian law and principles. The Commission should exercise caution because the current situation the Palestinians faced was full of dangers not only for them, but for the region as a whole. In that connection, a commission of inquiry should be established to shed light on the circumstances in which the barbaric crimes had been committed and to identify the perpetrators. The necessary steps should also be taken for the competent Special Rapporteurs to visit the occupied territories and for convening the conference of the High Contracting Parties to the Fourth Geneva Convention of 1949.

33. Mr. DE AGUIAR PATRIOTA (Brazil) said that the latest round of violence in the Middle East justified the holding of the current session, not only from the humanitarian law standpoint, but also from the point of view of human rights, full respect for which was a prerequisite for the successful outcome of the peace process.

34. Having followed the important advances towards a settlement of the conflict since the Oslo Accords with high expectations, Brazil was deeply concerned about the tragic events which had been ravaging the occupied territories and East Jerusalem since 28 September 2000, and had already resulted in the deaths of more than 100 people, one third of whom were children,

and 3,000 wounded. The Brazilian Government had supported Security Council resolution 1322 (2000), which condemned the act of provocation carried out by Ariel Sharon in visiting the Al-Aqsa mosque, deplored the acts of violence and recommended the establishment of a mechanism for inquiry.

35. Brazil welcomed the results of the Sharm el-Sheikh summit and would be following with interest the development of the situation in the region. Negotiations were the only means available to the Israelis and Palestinians to enable them to guarantee their peoples a better life. Fully endorsing the statements made by the Rio Group, he called on both parties to cease the hostilities so as to re-establish the conditions necessary for the resumption of the peace process. Brazil urged both sides to cooperate fully with the Commission on Human Rights in its efforts to determine the best way to discharge its responsibilities in the face of the tragic incidents of the previous two weeks.

36. Ms. GERVAIS-VIDRICAIRE (Canada) said that the pictures of violence and suffering of the previous days in no way reflected a deep desire on the part of the Israelis and the Palestinians for peace in security and dignity. Although it was true that only the parties themselves could take the decisions necessary for the conclusion of a peace agreement, the international community had a duty to contribute to the establishment of a climate conducive to negotiation. Canada was convinced that the best way of ensuring respect for human rights and basic dignity was to encourage the parties to return to the negotiating table and help them to rebuild the respect and trust which had been shattered by the violence.

37. Canada shared the concerns recently expressed by the Secretary-General of the United Nations, the High Commissioner for Human Rights and the Commission on Human Rights and deplored the violence that had broken out in Israel, Gaza and the West Bank. The international community should do everything in its power to help the Israelis and Palestinians overcome their differences and re-establish the basis for mutual understanding. Mr. Kofi Annan had played a key role in that regard by fulfilling the mandate entrusted to him under Security Council resolution 1322 (2000).

38. While the international community had a role to play in that process, the protagonists were the Israeli and Palestinian leaders. Prime Minister Barak and Chairman Arafat should make every effort to resume the dialogue between their peoples and to rebuild the confidence which had been dealt a bitter blow.

39. Canada was grateful to the those people who had intervened to contribute to the cessation of the hostilities and urged the parties to the conflict to respect the commitments undertaken at Sharm el-Sheikh.

40. Canada had chosen to abstain in the vote on the convening of a special session of the Commission, not because it was not sensitive to the very grave human rights violations that had accompanied the confrontations between the Israelis and the Palestinians, but because it considered that international action should focus clearly on the provision of assistance to the parties to help them put an end to the violence and resume negotiations. In recent weeks, the escalation of violence in the Middle East had caused immeasurable suffering to many civilians,

both Israelis and Palestinians. However, grief and sadness should not embitter the relations between those two peoples and Canada urged them to look to the future and to strive to re-establish a climate conducive to negotiation.

41. Mr. KALAKE (Botswana), expressing his condolences to those who had lost loved ones during the events of recent weeks, said that he regretted and condemned the escalation of violence and urged the parties to the conflict to cease the hostilities immediately. It would be regrettable if the recent progress towards peace were to come to nothing because of the current confrontations between Israelis and Palestinians. Recourse to violence in an attempt to resolve the difficult issues of the Middle East could only result in catastrophe for all the peoples of the region. Violence would only open wounds and fuel the mistrust and hatred that the negotiations between the Palestinians and Israelis had endeavoured to consign to the past.

42. Botswana had repeatedly stated that it recognized the right of the State of Israel to exist and that of the people of Israel to live in peace within internationally recognized borders. However, recognition of that fact went hand in hand with the inalienable right of the Palestinian people to self-determination and to create a state. Nothing short of acknowledgement of those facts by Israel and its neighbours could lead to peace in the Middle East.

43. Botswana welcomed the efforts of the United Nations Secretary-General and hoped that they, together with the efforts of the leaders of the Middle East and the United States, would bring the Palestinians and Israelis back to the path towards peace.

44. Mr. VEGA (Chile) said that the escalation of the violence in the occupied territories had taken place relatively shortly after the Camp David Conference , where the Palestinian Authority and the Israeli Government had been very close to reaching a peace agreement. The progress made in the area of mutual recognition and cultural tolerance could be jeopardized by the increase in human rights violations, particularly as far as the rights of the Palestinian people were concerned. The acts of violence, participation of children in the conflict, demonstrations of racism and intolerance and the death of children and adolescents would make it difficult to revive the peace process in the Middle East.

45. Against that background, it would have been incomprehensible for the main body for defending human rights not to meet to contribute to the search for lasting solutions by pooling its efforts together with those of other bodies in the United Nations system and diplomats.

46. His delegation shared the High Commissioner's view that the Commission was the appropriate body to take part in the forthcoming inquiry or at least to support it. It should act with precision and caution and take care not to hamper the efforts of the various actors to reduce the tension. Its primary mission was to preserve human dignity and the right to life, as well as to help to replace the logic of violence with one of coexistence.

47. The Government of Chile would support all the efforts aimed at achieving a peaceful solution to the conflict - one which respected the relevant Security Council resolutions, the right to life and the right of Israelis and Palestinians to live within safe and internationally recognized borders.

48. Mr. ARENALES FORNO (Guatemala) said that his Government would support all concerted action to assist the Israeli Government and the Palestinian Authority to guarantee the human rights of the two peoples, but would have to oppose any steps that would have a negative impact on the negotiating process, which he hoped would be revived following the agreements reached at Sharm el-Sheikh.

49. The Government of Guatemala was convinced that it would be impossible to ensure respect for human rights in Israel and the occupied Arab territories until an agreement on a firm and lasting peace had been reached between the Israelis and the Palestinians. For that reason, the Commission, which had clearly met to react to the current tragic violence and confrontations, should exercise great caution so as not to jeopardize the efforts being made to save the negotiating process between the Israeli Government and the Palestinian Authority.

50. The Commission should not favour any one of the parties or lend credence to the view that it was possible to respond to provocation and violence with even greater provocation or violence. The Israeli Government and the Palestinian Authority had a duty to bring about an end to the confrontations and to resume negotiations. The Commission, for its part, should only take measures that could prevent any future violations of the human rights of the two peoples.

51. Mr. CHANG Man-soon (Republic of Korea) said that the grave circumstances that had led to the convening of the special session were a vivid reminder of how vulnerable human rights and humanitarian considerations were in an explosive situation. They showed that, in the absence of a lasting peace, innocent civilians were victimized all too often.

52. His Government deplored the loss of human life and condemned the acts of violence, in particular the disproportionate use of force against civilians. It therefore supported Security Council resolution 1322 (2000), which stressed the importance of establishing a mechanism for carrying out an objective inquiry into the current events with the aim of preventing their repetition and called upon Israel to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention of 1949. In that connection, the Republic of Korea noted with satisfaction the readiness expressed by the High Commissioner for Human Rights to facilitate the inquiry. It also agreed with the High Commissioner that the Commission should study ways and means to prevent the situation from deteriorating in the future and that a mechanism to defuse potential crises should be established.

53. He welcomed the agreement concluded the previous day at Sharm el-Sheikh by the parties concerned to undertake to end the violence and revive the peace process and, in particular, the decision to establish a fact-finding committee. If the agreement were applied in good faith, it should enable progress to be made. The Republic of Korea had always attached great importance to a negotiated settlement between the two sides - the only option in its view for establishing a just, comprehensive and lasting peace - and considered that, after so much effort and hope, the peace process could not be allowed to falter.

54. Mr. DESPOUY (Argentina) said that his country was very concerned about the current situation in the Middle East, particularly as far as human rights were concerned. It welcomed the negotiations in progress that were aimed at ending the violence. The Latin American countries had supported the holding of the current special session, as they believed that peace was

inextricably linked to respect for human rights. Was not the United Nations action based on the belief that a lasting peace was inseparable from the existence of effective and universal mechanisms aimed at guaranteeing human rights?

55. The special session should set itself at least three basic objectives: to evaluate the situation, to propose measures that could stop the escalation of violence and fully re-establish human rights and fundamental freedoms. In view of the complexity of the issue, Argentina hoped that the decisions to be taken by the international community would be the result of dialogue and consensus. The responses to the current crisis should be based essentially on consensus.

56. On 12 October 2000, representatives of the Jewish and Arab communities in Argentina had met with the President of the Argentine Republic to make a joint appeal for peace and the peaceful coexistence of the two communities.

57. Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean States, said that the Group had unanimously supported the convening of the special session because the Commission had a duty to act to protect human rights all over the world.

58. All the information available confirmed the gravity of the situation and the fact that excessive force was being used against the Palestinian people. As one of the basic conditions for peace was the full respect for human rights, the Commission's first task was to appeal for an end to the violence, for the resumption of dialogue between the parties to the conflict and for respect for the human rights of the populations concerned. While deploring the recent events in Palestine, the Commission should encourage the parties to protect civilians.

59. It was to be hoped that the parties directly or indirectly involved in the peace process would have the wisdom to make negotiation and reason prevail. The establishment of peace and security in the Middle East presupposed respect for the principles enshrined in the Charter of the United Nations, the realization of the inalienable rights of the Palestinian people, including its right to self-determination, respect for the principles of international law, human rights and international humanitarian law, in particular the Geneva Conventions, as well as the implementation of relevant Security Council and General Assembly resolutions. In that connection, the decisions to be taken at the current session should contribute to the immediate settlement of the serious crisis and to the prevention of similar situations in the future. He hoped that a broad consensus would be reached enabling the Commission to carry out successfully its fundamental mission of protecting human rights. For that reason, it was essential to ensure that the decisions taken were followed up.

60. Mr. PETIT (France), speaking on behalf of the European Union and the Central and Eastern European associated countries of Bulgaria, the Czech Republic, Estonia, Hungry, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia and the other associated countries of Cyprus, Malta and Turkey, welcomed the agreement which had been reached at Sharm el-Sheikh and which would signal an end to the violence and a return to the path of peace. The tragic events of the previous week had led the international community to take action to face the real danger of rebellion that was threatening the Middle East. The European Union was shocked at the number

of victims, the majority of whom were Arabs from the occupied Palestinian territories and Israel and included a very large number of children. It was deeply concerned about the continuation of the confrontations in the Palestinian territories, and had requested Mr. Solana, the Secretary-General of the Council of the European Union and the High Representative for the Common Foreign and Security Policy, to visit the region to help to defuse the crisis. It had condemned unreservedly the serious incidents that had taken place and reaffirmed its rejection of extremist provocations. It had also firmly called for full respect of places considered holy by the worshippers of all religions. Furthermore, it had categorically condemned the disproportionate and indiscriminate use of force that could only make the prospect of peace more remote.

61. Only a negotiated settlement could satisfy the desires of the Israeli and Palestinian people for peace and security. The agreement that had just been brokered at Sharm el-Sheikh provided for an end to the violence, the establishment of a fact-finding committee and the revival of the peace process. The European Union welcomed the efforts of all those involved in achieving that agreement, particularly the United Nations Secretary-General, whose tireless and determined efforts had helped to prevent the worst from happening.

62. The Commission on Human Rights could not remain oblivious to the deterioration of the situation in the occupied Palestinian territories and Israel. The international community had a duty to show that it was determined to react wherever such events took place, whether in the Palestinian territories or elsewhere in the world.

63. In replying to the Arab Group's request to convene the special session, the European Union had emphasized the need for the Commission to contribute to the activities taking place in other bodies to put an end to the violence without compromising the action undertaken to re-establish peace. The European Union called for a combined effort to be made with a view to reaching joint conclusions which would enable the Commission to make a useful contribution in the current critical period.

64. Ms. KUNADI (India), associating herself with the statement made by Indonesia on behalf of the Asian Group, said that India was convinced of the need for dialogue and negotiations in order to find a just, comprehensive and lasting settlement of all the issues between the Israeli and Palestinian sides. It was deeply concerned and shocked about the recent incidents of violence in the Middle East. Those incidents had been the result of deliberate acts of provocation and had led to the excessive use of force and to the violation of basic human rights, including the right to life. The large number of innocent victims, including many children, was particularly shocking. The Indian Government had expressed its deep condolences to the families of the victims and reaffirmed its willingness to provide all possible assistance to the friendly Palestinian people. In that connection, it had decided to provide medical supplies to the Palestinian Red Crescent Society. It welcomed the sincere efforts made, in particular by the United Nations Secretary-General, to put an end to the violence and bring both sides back to the negotiating table. It was to be hoped that the meeting at Sharm el-Sheikh would facilitate the achievement of those objectives.

65. For the time being, the restoration of peace and calm could be ensured only by avoiding provocation and shunning the indiscriminate use of force. At the same time, an impartial and

objective assessment of the violent incidents was called for in order to take stock of the human rights violations and to learn lessons for the future. The recent events should not be allowed to delay or derail the peace process for which Palestinian and Israeli officials had striven so hard. With will, determination and a commitment to resolving issues peacefully, no obstacle was insurmountable.

66. Mr. JANSONS (Latvia), associating himself with the statement made by the representative of France on behalf of the European Union, said that his Government had been dismayed by the escalation of violence and the suffering of the peoples in the occupied Palestinian territories and had supported the call to convene the current special session. The holding of the session showed that the international community was deeply concerned about the escalation of the violence in the Gaza Strip and the West Bank. Latvia condemned the violent acts and urged the two parties to refrain from using force to achieve political objectives. Only negotiation and diplomacy should be used to resolve the crisis.

67. Latvia welcomed the efforts made, particularly by the Secretary-General of the United Nations, to bring about an end to the violence and encourage the resumption of dialogue. It welcomed the results of the meeting at Sharm el-Sheikh, which would pave the way for further negotiations. It also hoped that the Commission, through its discussions, would contribute to the ongoing efforts to find a lasting solution to the conflict and focus exclusively on the human rights aspects of the issue. The Latvian Government was convinced that the parties to the conflict must abide by the norms of international law and respect their obligations under the Fourth Geneva Convention and the relevant United Nations resolutions.

68. Mr. AIDEED (Observer for Oman) said that the Palestinian territories, including Jerusalem, continued to be the scene of bloody confrontations resulting from the military operations carried out by the Israeli army against defenceless Palestinian civilians. In only a few days, hundreds had been killed and wounded, the majority of whom were children whose only crime had been to defend their land and their legitimate rights. It was therefore hardly surprising that the Israeli actions had aroused so much indignation within the international community.

69. The holding of a special session of the Commission on Human Rights was a commendable initiative that showed that international public opinion was sympathetic to the cause of the Palestinian people and opposed to the blatant violations of the legitimate rights of that people. The support shown by the majority of the member States of the Commission for the convening of the current session attested to that fact.

70. His delegation urged all member States to take action within the limits of the Commission's mandate to bring about an end to the massacres of innocent civilians, including women, children and the elderly, and not to put obstacles in the way of the adoption of the draft resolution submitted to the Commission.

71. The Commission should condemn Israel's persistent policy of colonialization, confiscation of land, arbitrary detention, expulsion without trial and isolation of villages, which had been described in detail in the different reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the

Occupied Territories. It should, in particular, urge Israel to lift the seal around all the Palestinian territories, including Jerusalem, and guarantee that humanitarian assistance could reach the Palestinian people.

72. Oman associated itself with previous speakers who had suggested that the High Commissioner for Human Rights and the competent Special Rapporteurs should visit the occupied territories as soon as possible to examine the situation of the Palestinian people and report to the Commission at its fifty-seventh session.

73. Monsignor BERTELLO (Observer for the Holy See) said that the events that were plunging the Middle East into grief highlighted the need for a lasting commitment towards peace and the respect for human rights. The Holy See welcomed and encouraged the international community's efforts to promote peace in the region through the resumption of a continuous and constructive dialogue. Peace would not be genuine and lasting unless it was based on international law, justice and respect for the rights of all.

74. A climate of confidence had to be restored between the peoples of a land known by name as "holy" because the three most important monotheistic religions, Christianity, Islam and Judaism, had their spiritual roots buried deep in its soil. However, it should not be forgotten that certain fundamental rights, such as the right to an independent state and government or the right to security and freedom of cultural expression and tradition were not always respected. Tensions, which might sooner or later degenerate into violence and fuel feelings of hatred and rancour, would persist as long as a people was unable to enjoy its fundamental rights.

75. In the past, the two peoples in question had lived side by side, often in extremely tense and delicate situations. They now had to see their rights recognized: the right to enjoy safe and peaceful living conditions, on the one hand, and the possibility of having a land, being self-governing and living in peace and tranquillity with their neighbours, on the other. Full respect for human rights was the only guarantee of genuine cohabitation enabling all the peoples of the region to recover their dignity and honour.

76. Calling for greater international solidarity and political will to rise to the challenge, he urged the political leaders to implement the agreements that had already been concluded and continue on the path to peace. Recalling that article 1 of the Universal Declaration of Human Rights stated that all human beings were born free and equal in dignity and rights, he said that the international community should undertake to ensure that that principle was always safeguarded and defended and demand justice when it was violated.

77. Mr. ABUSEIF (Observer for the Libyan Arab Jamahiriya) said that the holding of the current special session enabled the international community to see the specious nature of the peace process, which had been scuppered since the bloodthirsty Ariel Sharon had desecrated the Al-Aqsa mosque with the connivance of Ehud Barak.

78. The Zionist entity was a foreign body implanted in the Arab organism and the Israelis themselves were well aware of that fact. Having used force to settle in the region, they were obliged to use force to remain, hence the policy of ethnic cleansing pursued by the Israeli occupant in violation of the principles of the Charter of the United Nations and the provisions of

the Universal Declaration of Human Rights and the Fourth Geneva Convention of 1949. The use of heavy artillery against defenceless civilians was clearly intended to eliminate any Palestinian presence in the region. Israel was therefore continuing its policy of genocide and the international community was not taking the slightest coercive action, as it had been authorized to do under the Convention on the Prevention and Punishment of the Crime of Genocide and the many United Nations resolutions that had been adopted.

79. The Libyan Arab Jamahiriya condemned those practices and called for the heaviest possible sanctions to be imposed on Israel. Steps should be taken to protect Palestinian civilians and the necessary mechanisms established to shed light on the recent events.

80. Mr. ABDULLA (Observer for Bahrain) said that the repeated massacres of the Palestinian people by the Israeli occupation forces and Jewish settlers by means of the most deadly armaments, including weapons prohibited by the international community, and the total economic blockade on the Palestinian territory jeopardized the prospects for peace in the region more and more each day. The current bloody events showed yet again that Israel respected neither its commitments nor its agreements with the Palestinian Authority and it continued to use threatening language towards the Arab States that only served to heighten the tension.

81. Under those circumstances, the State of Bahrain welcomed Security Council resolution 1322 (2000) condemning the use of force by Israel. The resolution showed that the international community had recognized that neither peace nor stability could be achieved in the region unless the legitimate aspirations of the Palestinian people were duly taken into account.

82. In that connection, his delegation recalled the decisions which had been taken by the Council of Ministers of the Gulf Cooperation Council on 1 and 2 September 2000 and which supported the Palestinian leaders' position on the peace process, which was based on the principle of "land for peace", and reaffirmed that the question of the status of Jerusalem, which was at the very heart of the matter, could be settled only in accordance with Security Council resolutions 242 (1967) and 338 (1973). In the spirit of those decisions, the State of Bahrain welcomed the proposal by President Mubarak to hold an emergency summit of Arab heads of State and/or Government in order to establish a common Arab position, to put an end to the atrocities being suffered by the Palestinian people and to revive the peace process in the region in such a way as to ensure that the rights of the Palestinian people were respected.

83. Mr. HANE (Organization of the Islamic Conference), recalling that the fifth special session of the Commission had been convened on the joint initiative of the League of Arab States and the Organization of the Islamic Conference, expressed his gratitude to those two groups and welcomed the almost unanimous support that the initiative had received from the various members of the Commission.

84. In view of the massacres committed by the Israeli forces since the act of provocation carried out on 28 September 2000 by Ariel Sharon within the precincts of the Al-Aqsa mosque, the Commission should request Israel to put an immediate end to its aggressions and massacres of the Palestinian people, to lift with immediate effect the seal established around Palestinian villages and towns, to withdraw its forces and military equipment to their positions

before 28 September and to apply fully the provisions of the Fourth Geneva Convention, whose High Contracting Parties should meet to assess the implementation of that Convention in the occupied territories.

85. The Commission should also quickly establish an international commission of inquiry to ascertain the facts on the violations of human rights in the occupied Palestinian territories, including Jerusalem, and to suggest measures to prevent the recurrence of a similar tragedy. It should also request that the Office of the United Nations High Commissioner for Human Rights should put to use on the ground all the appropriate mechanisms at its disposal.

86. The Organization of the Islamic Conference expressed its condolences to the Palestinian people and leaders and recalled that it would continue to support the Palestinian people in its struggle for recognition of the right to freedom and independence in a State with Al-Quds Al-Sharif (Jerusalem) as its capital.

87. Mr. MADI (Observer for Jordan) said that the fact that the Commission on Human Rights was holding a special session clearly showed that the international community, driven by the principles of the indivisibility and universality of human rights, was taking a strong position against the activities of the Israeli occupation forces. The Hachemite Kingdom of Jordan was deeply concerned about the deterioration of the situation in the occupied Palestinian territories, including Jerusalem, and the decline in the peace process in the Middle East. The political and economic pressure and the repression exerted by Israel against the Palestinians could lead to the collapse of the peace process and result in desperation.

88. For that reason, his Government considered that it was essential to support the principles and objectives of the Charter of the United Nations, humanitarian law and all the international instruments and resolutions of the General Assembly and the Security Council; to ensure the cessation of the military operations and aggressions against Palestinian civilians, the withdrawal of Israeli troops from the territories under Palestinian jurisdiction and respect for holy places; to reaffirm the responsibility of the United Nations and the international community in the settlement of the question of Palestine; to call for the High Contracting Parties to the Fourth Geneva Convention to reconvene; to condemn Israel's lack of respect for the various United Nations resolutions to ensure that all the administrative provisions intended to change the legal status and demographic composition of Jerusalem and other parts of the occupied Palestinian territories were repealed; to support the resumption of the peace process in the Middle East in accordance with Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace; to condemn the excessive use of force and the destruction of civilian infrastructures by the Israeli army; to send a commission of inquiry to the region; and, lastly, to request the United Nations High Commissioner for Human Rights and the competent Special Rapporteurs to visit the area and report to the Commission at its fifty-seventh session.

89. The only way of ensuring security in the region was to engage in a constructive dialogue based on mutual respect and the clear will to implement the peace agreements. It was up to Israel to protect its own citizens and to fight against Israeli extremism as well as to work towards coexistence and respect for the human rights of the Palestinian people. Jordan called on Israel to put an end to the massive violations of human rights, the excessive use of force and collective

sanctions and to implement the agreements concluded with the Palestinians in the time frame provided for, as well as to pave the way for genuine peace with Libya and the Syrian Arab Republic. Jordan also called for the Sharm el-Sheikh undertakings to be implemented as soon as possible and for a return to the situation that had existed prior to the events of the previous weeks.

90. Mr. NASR (Observer for Lebanon) said that the Commission on Human Rights met in special session only when grave events were taking place. The current session had been convened as the Palestinian people had been brutally attacked; the rights of that people were being violated by the Israeli authorities and armed forces that did not hesitate to use all the weapons at their disposal, including artillery and air power, when all they faced were youths throwing stones in response to acts of provocation by Israeli officials. The intifada was a simple demonstration of frustration and anger against the continuation of the Israeli occupation and the fact that the Israeli authorities were refusing to recognize the right of the Palestinian people to live in peace in an independent State and the Palestinian refugees' right of return. As if the repression was not enough, Israel was imposing a blockade on the West Bank and Gaza that quite clearly constituted a collective punishment contrary to international law.

91. To any impartial observer, the Israeli arrogance was not new. For several years, Israel had continued its well-known practice of violating human rights. It had created detention camps and the Israeli Supreme Court had approved the use of administrative detention as a counterpart in the negotiations. As an example of that principle, 19 Lebanese nationals remained in administrative detention in Israel and Israel was refusing to release them despite the good offices of international representatives whom the Israeli authorities were treating with disdain or on whom they were putting pressure.

92. The Commission and its members should condemn the acts of provocation perpetrated by the Israeli authorities and the disproportionate use of force by the Israeli army and do everything possible to bring about an end to the repression of the Palestinian people and ensure that it was protected in accordance with international law. An international commission of inquiry should also be established to shed light on the events of previous weeks and to put pressure on Israel in order to achieve a just and lasting peace for all.

93. Mr. SUNGAR (Observer for Turkey) expressed the hope that the Commission's work would help revive the peace process in the Middle East. From the very beginning of the events of concern to the Commission, the Turkish Government had maintained constant contacts with all the parties involved and had called on Israel to cease its military operations and avoid any escalation of the violence. The withdrawal of the Israeli defence forces would constitute an important step towards the normalization of the situation in the region. The provocations and violence carried out in the occupied Palestinian territories at a time when the peace process in the Middle East had reached a critical stage were indeed deplorable. It was widely accepted that the excessive use of force, especially in Ramallah and Gaza, had had tragic consequences.

94. The Sharm el-Sheikh summit had yielded positive results which were welcome. It was high time for all the parties to exercise the utmost restraint and to take the necessary actions to stop the violence immediately. The true success of the Sharm el-Sheikh summit would depend

on the results achieved on the ground. In order to prevent such a tragedy from recurring, an impartial commission of inquiry should therefore be established to look into the causes of the recent events.

95. Turkey had always supported the peace process in the Middle East, emphasizing the importance of a comprehensive, just and lasting settlement based on legitimacy, the relevant United Nations resolutions and the principle of "land for peace". He hoped that the peace process was not dead and urged the international community to leave no stone unturned in order to achieve a lasting peace in the region.

96. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that in recent days, the world had witnessed another massacre by the Israeli occupation forces. No human being could help but be shocked by the disproportionate use of force by the Israeli army, particularly of heavy artillery. During the previous weeks, over 100 Palestinian civilians had been deliberately killed and thousands of others injured by the occupation forces. Those massacres constituted crimes of genocide and ethnic cleansing and were a flagrant violation of the right to life.

97. The human rights violations in the occupied Palestinian and Arab territories dated back to the very first days of the Israeli forces' occupation of the region. Aggressions, arbitrary detention, collective punishment, terror and torture were but a few of the crimes perpetrated by Israel in violation of the provisions of a number of international instruments. The Palestinians had faced those savage acts with bravery, showing once again their determination to resist the Israeli aggression.

98. The Occupying Power in Palestine refused to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights and was continuing its expansionist policy aimed at imposing the fait accompli and of judaizing the holy city of Jerusalem. The international community in general and the Islamic world in particular should provide every assistance to the Palestinian people in its struggle to preserve the holy shrines of Islam and ensure respect for the inalienable rights of that people. In that connection, the Commission on Human Rights had a responsibility to condemn explicitly the excessive use of force by the Occupying Power. It should also establish a committee to ascertain the causes of the recent events and to identify the perpetrators of the crimes committed with a view to bringing them to justice.

99. Endorsing the statements made by the representatives of and observers for the Organization of the Islamic Conference, the Arab League and the Asian Group, he said that the root causes of the Palestine question had to be addressed if a just and comprehensive solution was to be found. The key to such a solution lay in bringing about an end to Israeli occupation, ensuring respect for all the rights of the Palestinian people, including the right of Palestinian refugees and displaced persons to return to their homeland, and the liberation of all the occupied territories.

100. Mr. AL-ATTAR (Observer for Yemen), endorsing the statements made by the representatives of and observers for the Arab League, the Organization of the Islamic Conference and the Asian Group, said that unanimous response to the call to convene the

fifth special session of the Commission proved that the question of Palestine was of concern to the whole world and that it was high time to reach a peaceful and just solution that respected the right of the Palestinian people to establish a state with Jerusalem as its capital. Unfortunately, Israeli policy, characterized since 1948 by the arrogance of its armed forces in the occupied territories, the use of various forms of torture, the killing of women, children and the elderly, and the violation of human rights, had thwarted all the efforts made in that regard. According to a preliminary estimate, more than 120 civilians had been killed in the recent events and more than 4,000 had been injured, a third of whom were children.

101. The Republic of Yemen strongly condemned the criminal acts perpetrated by the Israeli colonial army. It called on the international community to adopt a clear position with respect to the events in the occupied territories, to apply the relevant resolutions of the United Nations bodies and to insist on the implementation of the Fourth Geneva Convention and of all the relevant international instruments. The Commission on Human Rights should also ensure the protection of the Palestinian people, establish a commission of inquiry and take the relevant decisions to prevent such a tragedy from recurring.

102. The Republic of Yemen was committed to the peace process in the Middle East on the basis of the relevant international resolutions, in particular Security Council resolutions 242 (1967) and 338 (1973), respect for the principle of land for peace and the restoration of the Palestinian and Arab Territories occupied in 1967, including Jerusalem. It was no longer possible to accept a peace based on intimidation and the use of force. For that reason, he urged the Israeli forces to stop the arbitrary use of force against innocent civilians and to end the blockade of the Palestinian territories. He also condemned the visit by Ariel Sharon to the holy sites of Jerusalem, which had constituted a provocation to the Palestinians in particular and to Muslims in general.

103. Terrorism was far from limited to the Middle East and had become a worldwide phenomenon. While the Republic of Yemen condemned terrorism and would fight it regardless of its origin, efforts should be coordinated at the international level in order to put an end to a phenomenon that threatened stability and peace throughout in the world.

104. Mr. LEVY (Observer for Israel) urged the participants in the special session to weigh their words carefully, since, as the Secretary-General had indicated, language could be violence.

105. Since his return to Israel, Mr. Barak had indicated his Government's intention to implement the Sharm el-Sheikh undertakings. Accordingly, he had ordered the security forces to implement all the provisions of the Sharm el-Sheikh declaration and, for that purpose, to establish contacts with their American and Palestinian counterparts. The Prime Minister had emphasized that the Israeli army and police would take great care to halt the violence and to prevent any additional loss of life.

106. The parties to the conflict had an additional opportunity to get back on track towards stability, coexistence and cooperation. It appeared that the Palestinian Authority had made an official statement to the effect that the Sharm el-Sheikh undertakings were a basis for a peace agreement between Israel and the Palestinians, even though the summit had not met Palestine's

full expectations. The summit had not met all the Israeli expectations either, but that was the essence of negotiation and compromise. The Palestinian Authority had also announced that Israel's undertakings illustrated its desire for peace.

107. While there were extremists who were opposed to the Sharm el-Sheikh understandings, he hoped that nobody in the Middle East or in the Commission on Human Rights would encourage, albeit inadvertently, a return to violence and he urged all participants in the special session to support the parties which had reactivated the dialogue and to do nothing that might prevent a cessation of the violence.

108. Mr. RAMLAWI (Observer for Palestine) said that a clear distinction should be drawn between what had taken place in Sharm el-Sheikh, which fell within the political arena, and what was of concern to the Commission, namely, the question of respect for human rights only. The objective in Sharm el-Sheikh had been to obtain results favourable to the dominant party in a situation where the balance of power was obvious. However, it was clear that the conclusions of the Sharm el-Sheikh summit were subject to the implementation of the commitments undertaken in Egypt and, specifically, the cessation of violence.

109. He was accustomed to the fact that the words of the Israeli authorities did not reflect what was actually happening on the ground. On 17 October 2000, after Mr. Barak had returned from Egypt and had informed the Israelis that the Sharm el-Sheikh summit had been a victory for them, the Israeli occupation forces had bombed the town of Rafah, killing 4 people and wounding dozens more. Furthermore, 24 hours after Mr. Barak's return, nothing on the ground had changed, as the Israeli forces continued to fire on Palestinians and the occupied Palestinian territories remained closed.

The meeting rose at 1.10 p.m.